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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,710	11/12/2003	Fadi A. Mahmoud	ADAPP234B	9279
25920	7590	09/06/2006	EXAMINER	BAE, JI H
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			ART UNIT	PAPER NUMBER
			2115	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,710	MAHMOUD, FADI A.	
	Examiner Ji H. Bae	Art Unit 2115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 19 June 2006.  
 2a) This action is **FINAL**.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|  | 6) <input type="checkbox"/> Other: _____ .                        |

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments, see pages 15-18 of applicant's remarks, filed 19 June 2006, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive in view of amendments made to the claims. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of additional prior art cited but not applied in the prior office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Rissmeyer et al., U.S. Patent No. 6,857,069 B1<sup>1</sup>.

Regarding claim 1, Rissmeyer teaches a method to boot up a server using a target storage device selected from a plurality of independent storage devices over a network, comprising:

installing an operating system by storing the operating system and a dynamic configuration program in the target storage device [col. 1, lines 52-59] selected from the plurality of independent storage devices on the network [col. 2, line 65 to col. 3, line 2] wherein the

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<sup>1</sup> Cited in prior office action, under references listed as "cited but not applied".

location of the target storage device is designated by an IP address [col. 2, lines 27-28, IP address for iSCSI device]; and

accessing the operating system on the target storage device using the IP address and the dynamic configuration program, the accessing occurring through data block transfers [col. 2, lines 32-40].

Regarding claim 5, Rissmeyer teaches that the target storage device is a disk drive.

Regarding claims 6 and 7, Rissmeyer teaches that the server communicates with the target storage device using the iSCSI protocol.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rissmeyer in view of Matsunami et al., U.S. Patent No. 6,775,830 B1.

Regarding claim 2, Rissmeyer teaches the method of claim 1, including the usage of an IP address to determine the location of the target storage device, but does not teach additional steps of installing the operating system on the target storage device.

Matsunami teaches a method of installing software on a network with steps comprising [Fig. 12, col. 9, lines 10-65]]:

receiving instruction to install the software [Fig. 12, start];;

copying software into the target storage device over the network [col. 9, lines 60-65].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Rissmeyer and Matsunami by installing the operating system of Rissmeyer using the steps outlined by Matsunami. Rissmeyer assumes that operating system files are already stored on the target storage device, and does not detail how they were installed in the first place. The teachings of Matsunami would improve upon the teachings of Rissmeyer by providing these steps. Additionally, both Rissmeyer and Matsunami teach systems and methods for maintaining software within a networked environment. Furthermore, it would have been obvious to one of ordinary skill in the art to determine the network system configuration after power on, as the system would require this information in order to properly configure and install the software.

Regarding claim 3, Matsunami teaches a plurality of servers [Fig. 1]. It would have been obvious to one of ordinary skill in the art that the teachings of Rissmeyer could also equally be applied to the plurality of servers taught by Matsunami.

Regarding claim 4, it would have been obvious to use an operating system that utilizes a graphical user interface. Such operating systems are standard.

Regarding claim 8, it would have been obvious to one of ordinary skill in the art to access the operating system by accessing data on a first sector of a boot device, retrieving the operating system boot loader at the first sector, and booting using the operating system data from the target storage device. The steps recited are part of a standard boot process.

Regarding claim 9, the combination of Matsunami and Rissmeyer teaches the method of claim 2. In addition, Matsunami teaches the steps of:

determining a number of storage devices located in the subsystem [Fig. 4] ;  
receiving identification of a target storage device selected from the number of storage devices located in the subsystem [col. 6, lines 23-38].

Regarding claim 10, the limitations recited are obvious in view of design choice. It would have been obvious to one of ordinary skill that any number of user inputs could have been used to initiate the install operation.

Regarding claim 11, it would have been obvious to one of ordinary skill in the art to use an option ROM BIOS kernel to determine the number of storage devices.

Regarding claim 12, it would have been obvious to one of ordinary skill in the art to display the number of storage devices and receive input indicating the target storage device to be used as a boot device.

Regarding claim 13, Rissmeyer teaches the use of the iSCSI protocol.

Regarding claim 14, it would have been obvious to use an operating system with a graphical user interface. Such operating systems are standard.

Regarding claim 15, the combination of Rissmeyer and Matsunami teaches copying operating system files to the target storage device by using the IP address.

Regarding claim 16, Matsunami teaches a plurality of servers [Fig. 1]. It would have been obvious to one of ordinary skill in the art that the teachings of Rissmeyer could also equally be applied to the plurality of servers taught by Matsunami.

Regarding claims 17-20, Rissmeyer and Matsunami teaches the method of claims 1-16, and therefore also teaches the method of claims 17-20.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ji H. Bae whose telephone number is 571-272-7181. The examiner can normally be reached on Monday-Friday, 10 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ji H. Bae

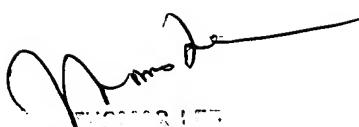
Art Unit: 2115

Patent Examiner

Art Unit 2115

ji.bae@uspto.gov

571-272-7181



JENNIFER BAE  
EXAMINER  
COMPTON, CALIFORNIA 90235  
TELEPHONE 571-272-7181